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MEMORANDUM FOR: Assistant Director for Personnel

SUBJECT : Recommendations Concerning Proposed Legislation Needed by the Agency

REFERENCE : Staff Study, Career Service Legislation, prepared by the CIA Career Service Board, dated 13 January 1954

1. Pursuant to your request, this Staff has considered an appropriate position by the Office of Personnel relative to personnel legislation needed by the Agency. Prior to the preparation of a report for presentation to the Clark Committee, we are submitting for your review and approval the recommendations of this Staff concerning the various legislative proposals that have been developed in the Agency. This memorandum also takes cognizance of the activities of the DuFlon Committee.

2. In regard to the desirability of formalizing the Agency's Career Service by legislation, it should be noted that the Career Service Board considered and then rejected the idea in January, 1954. At that time, it was considered that the disadvantages that might ensue from legislation defining the obligations of the employee to the government would outweigh the advantages to be gained by enactment of "Career Service" type legislation. This position was based on the consideration that the Congress would tend to define obligations in a strict sense and might well include some that were not considered administratively feasible in the Agency. Through a series of pronouncements the Director has firmly established that the Career Staff is a broadly-based concept, and it is presumed that most Agency personnel will become members. It has also been acknowledged that assignments will be made with full consideration of personal and family circumstances. Any attempt to seek a legislative prescription of the criteria for selection into the Career Staff could jeopardize the Agency's policy which is only now being implemented. To the extent that an effort were made to define these criteria more restrictively, it would constitute a reversal of Agency policy through the medium of seeking legislation. Furthermore, the current trend of the Administration is to develop personnel policies compatible with employee needs and conditions of employment, rather than establishing favored treatment based on employment by a particular agency or membership in a Career Service. Not only is it probable that a request for a "Career Service Act" would invite close Congressional scrutiny of the administrative authorities and activities of the Agency, but it is doubtful if such legislation would materially alter job retention rights under the Veteran's Preference law. In this connection, exploration of this issue with the Civil Service Commission is probably the preferable approach.

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In view of the above considerations and the impact which the activities of the Foreign Affairs Task Force of the White House will have on Agency efforts to obtain personnel legislation, this Staff recommends that the statutory "career service" approach not be used. The Agency should try to achieve its requirements by supporting acceptable Administration proposals, and initiating such independent proposals as may be necessary.

3. The following proposals were developed by the Legislative Task Force and adopted by the Career Service Board in order to strengthen and develop personnel administration in the Agency:

a. Extension of Medical Benefits for Overseas Employees and Their Dependents:

(1) Additional medical care and hospitalization benefits to be provided dependents of Agency employees when such care is required by reason of their exposure to additional hazards in overseas areas.

(2) The medical and hospitalization benefits under P.L. 110, Section 5(a)(5), now available to employees overseas on PCS, to be extended to employees on TDY and those stationed in the territories and possessions of the United States.

(3) This legislation is designed to reduce the effect of hazards on dependents overseas, and to equalize protection to employees overseas, regardless of the nature of assignment.

b. Liberalized Civil Service Retirement:

(1) Liberalized credits for employees to be granted for periods of overseas service only, permitting retirement at full annuity at an earlier age than under current retirement procedures.

(2) This legislation is intended to make overseas service more attractive; to provide for retirement at a younger age so that the Agency can continue to bring in younger people; and to more nearly equalize the benefits provided by service in the Agency as compared with the Foreign Service and some of the investigative services.

c. Home Leave

(1) Extension of the statutory home leave benefits of the Foreign Service so that personnel of the Agency serving periods of duty overseas, would receive one week of leave for

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each four months of duty outside the United States.

(2) This legislation provides home leave without requiring the employee to save his annual leave in order to have 30 or more days accrued for leave at home, as required under the current provisions of Section 5(a)(3)(A) of P.L. 110. Except for employees earning 26 days leave per year, the requirement to accumulate 30 days in 2 years is considered a hardship and unduly discriminates against those with less government service.

d. Educational Allowances

(1) Allowances to defray part of the additional expenses of providing education for children of employees who are not indigenous to the overseas area.

(2) This is designed to alleviate the hardship caused by the excessively high costs of education in some foreign areas, as compared with the Washington (or U. S.) area. The military services have such a benefit.

e. Permanent Missing Persons Legislation

(1) Current legislation on this subject to be made permanent.

(2) This would provide a measure of security for dependents of employees detained overseas and would provide prompt legal determination of death.

f. Death Gratuity

(1) A sum of \$1000 to be paid to a dependent relative of an employee in the event of his death.

(2) This is designed to alleviate the immediate financial problems of such dependents during the time taken by the Agency to protect security in cases of death.

g. This Staff supports all of the above legislative proposals, except Death Gratuities, as being in furtherance of sound personnel or "career service" policies. Adoption of the above programs would provide increased security to those employees and families who would be exposed to greater hazards and hardships than would be the case if they were employed by the Government in Washington, D. C.

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4. The White House Foreign Affairs Task Force (DuFlon Committee) is considering and proposing legislation which will largely encompass the principal requirements of this Agency as reflected in paragraph 3 above. Since this Committee is developing the Administration's program designed to cover all employees working in areas outside the United States, it would appear desirable to avail ourselves of its invitation to consider our views and needs for legislation. It would appear that any effort toward circumventing the Committee through independent attempts to obtain special legislation similar to its proposals or an omnibus "career service" enactment (diametrically opposed to its approach) might lead to embarrassment, the support of an indefensible position, and impair our chances for securing favorable consideration of the Agency's proposals.

5. In summary it is recommended:

a. That the Office of Personnel continue to support the legislative proposals submitted to the Director, with the exception of the Death Gratuities provision;

b. That liaison with the DuFlon Committee be intensified to influence its development of a program which will meet the above requirements of this Agency; and

c. That we consider the preparation of separate legislative proposals when it is evident that the DuFlon Committee is not concerned with the problem or the specific proposals of that group are not acceptable to the Agency.

d. That we prepare a summary of our current position on this subject, similar to the preceding paragraphs of this memorandum, for the information of the Clark Committee, and that we effect liaison on these matters with the DuFlon Committee prior to 1 December 1954 in order that we can represent to the Clark Committee that we have approached the DuFlon group on our problems.

Signed

Chief, Planning and Analysis Staff

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